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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 65.00

Complete if Known

| | |
|----------------------|------------------|
| Application Number | 10/722,939 |
| Filing Date | October 10, 2004 |
| First Named Inventor | ROTH, et al. |
| Examiner Name | To Be Assigned |
| Art Unit | 1641 |
| Attorney Docket No. | SEQ-4071-UT |

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770 | 2001 385 | Utility filing fee | |
| 1002 340 | 2002 170 | Design filing fee | |
| 1003 530 | 2003 265 | Plant filing fee | |
| 1004 770 | 2004 385 | Reissue filing fee | |
| 1005 160 | 2005 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | -20** = | X | |
| Multiple Dependent | -3** = | X | |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description |
|----------------------------|----------------------------|--|
| 1202 18 | 2202 9 | Claims in excess of 20 |
| 1201 86 | 2201 43 | Independent claims in excess of 3 |
| 1203 290 | 2203 145 | Multiple dependent claim, if not paid |
| 1204 86 | 2204 43 | ** Reissue independent claims over original patent |
| 1205 18 | 2205 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | \$65.00 |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 1053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for ex parte reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 110 | 2251 55 | Extension for reply within first month | |
| 1252 420 | 2252 210 | Extension for reply within second month | |
| 1253 950 | 2253 475 | Extension for reply within third month | |
| 1254 1,480 | 2254 740 | Extension for reply within fourth month | |
| 1255 2,010 | 2255 1,005 | Extension for reply within fifth month | |
| 1401 330 | 2401 165 | Notice of Appeal | |
| 1402 330 | 2402 165 | Filing a brief in support of an appeal | |
| 1403 290 | 2403 145 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 110 | 2452 55 | Petition to revive - unavoidable | |
| 1453 1,330 | 2453 665 | Petition to revive - unintentional | |
| 1501 1,330 | 2501 665 | Utility issue fee (or reissue) | |
| 1502 480 | 2502 240 | Design issue fee | |
| 1503 640 | 2503 320 | Plant issue fee | |
| 1460 130 | 1460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 770 | 2809 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 770 | 2810 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 770 | 2801 385 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 65.00

SUBMITTED BY

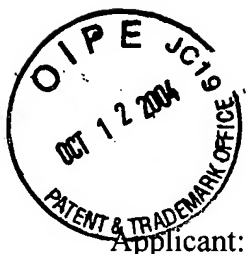
(Complete (if applicable))

| | | | | | |
|-------------------|----------------|-----------------------------------|---------------|-----------|--------------|
| Name (Print/Type) | Bruce D. Grant | Registration No. (Attorney/Agent) | 47,608 | Telephone | 858-623-9470 |
| Signature | | Date | Oct. 11, 2004 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROTH, et al.

Title: METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND TREATMENTS
THEREOF

Docket No.: SEQ-4071-UT
Filed: November 25, 2003
Examiner: Not yet assigned

Serial No.: 10/722,939
Due Date: October 10, 2004
Group Art Unit: 1641

Mail Stop Missing Parts
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

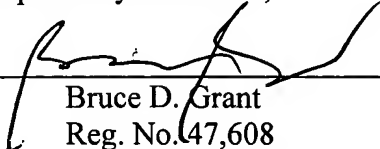
We are transmitting herewith the attached:

1. Copy of Notice to File Missing Parts;
2. Amendment in Response to Notice Under 37 CFR §§ 1.821-825
3. Communication regarding Missing Parts
4. Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825;
5. **Three Compact Disks** containing Computer Readable Form which is identical to the compact disk sequence listing and labeled as: CRF, Copy 1 and Copy 2;
6. Declaration of inventors;
7. Form PTO 2038 for payment of the amount of \$65.00;
8. Fee Transmittal and duplicate;
9. Power of Attorney by Assignee, Statement Under 37 CFR 3.73(b), and copy of assignment;
10. Request for corrected Filing Receipt;
11. Copy of official Filing Receipt with corrections;
12. Copy of Express Mail Transmittal in support of Request for corrected Filing Receipt; and
13. Acknowledgement postcard (return addressed and postage prepaid).

Applicant claims small entity status under 37 C.F.R. 1.27.

Respectfully submitted,

Date 12 OCTOBER 2004
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, CA 92075


Bruce D. Grant
Reg. No. 47,608

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" on the date indicated below and is addressed to: Attn: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 12 day of October 2004.

Bruce D. Grant
Name


Signature

Express Mail Transmittal No.: **ED 108700749 US**



10/722,939

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|-------------|--|-----------------|-------------|
| Applicant: | ROTH, et al. | Examiner: | Unknown |
| Serial No.: | 10/722,939 | Group Art Unit: | 1641 |
| Filed: | November 25, 2003 | Docket: | SEQ-4071-UT |
| Title: | METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND TREATMENTS THEREOF | | |

COMMUNICATION IN RESPONSE TO MISSING PARTS NOTICE

Mail Stop Missing Parts
Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

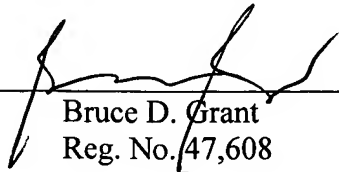
In response to the "Notice to File Missing Parts" please find the Declaration, \$65.00 fee for small entity compliance and Sequence listing.

Applicants respectfully submit the patent application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at (858) 623-9470.

This response is timely filed without a petition for an extension of time as the shortened statutory period for response expired Sunday, October 10, 2004 and Monday, October 11, 2004 was a Federal Holiday. If any additional fees are due or overpayment please contact the undersigned attorney at (858) 623-9470.

Respectfully submitted,

Date 12 OCTOBER 2004
BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, CA 92075



Bruce D. Grant
Reg. No. 47,608

CERTIFICATE UNDER 37 CFR 1.10: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" on the date indicated below and is addressed to: Attn: Mail Stop Missing Parts, Commissioner for Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 12 day of October 2004

Bruce D. Grant

Name



Signature

Express Mail Transmittal No.: **ED 108700749 US**



Title: METHODS FOR IDENTIFYING RISK OF BREAST CANCER AND TREATMENTS
Inventors: ROTH, Richard B. et al
Attorney Docket No.: SEQ-4071-UT
Application S/N: 10/722,939
Date of Deposit: October 12, 2004
BDG/hjb
Application Filing Date: November 25, 2003

- ☒ Transmittal Letter (1 page)
- ☒ Copy of Notice to File Missing Parts (2 pages);
- ☒ Amendment in Response to Notice Under 37 CFR §§ 1.821-825 (17 pages);
- ☒ Communication regarding Missing Parts (1 page);
- ☒ Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825 (1 page);
- ☒ Three Compact Disks containing Computer Readable Form which is identical to the compact disk sequence listing and labeled as: CRF, Copy 1 and Copy 2 (3 cd's);
- ☒ Declaration of inventors (5 pages);
- ☒ Form PTO 2038 for payment of the amount of \$65.00 (1 page);
- ☒ Fee Transmittal (1 page);
- ☒ Power of Attorney by Assignee, Statement Under 37 CFR 3.73(b) & copy of fax filed assignment (6 pages);
- ☒ Request for corrected Filing Receipt (1 page);
- ☒ Copy of official Filing Receipt with corrections (2 pages);
- ☒ Copy of Express Mail Transmittal in support of Request for corrected Filing Receipt (1 page); and
- ☒ Return Postcard

Commissioner for Patents:
Please acknowledge receipt of the above-identified documents by applying the U.S.
Patent & Trademark Office receipt stamp hereto and mailing this card.
Respectfully,

Biotechnology Law Group



ED 108700749 US



Mailing Label
Label 11-B, March 2004

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FROM: (PLEASE PRINT) PHONE (858) 450-0221
BIOTECHNOLOGY LAW GROUP
658 MAKSON AVENUE
SOLANA BEACH, CA 92075-1931
ATTN: BRUCE GRANT

| | |
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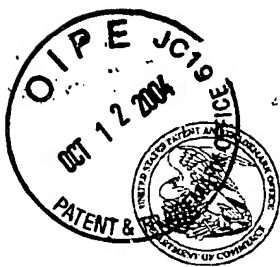
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United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/722,939 | 11/26/2003 | Richard B. Roth | 524592007100 |

25225
MORRISON & FOERSTER LLP
3811 VALLEY CENTRE DRIVE
SUITE 500
SAN DIEGO, CA 92130-2332

CONFIRMATION NO. 9634

FORMALITIES LETTER



OC000000013490679

Date Mailed: 08/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/14/2004 HDEHESS1 00000033 10722939

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 DP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

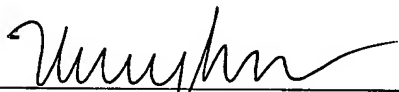
SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
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P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE